

"Approved by the City Council/Redevelopment Agency Board on August 10, 2005."

**CITY COUNCIL/REDEVELOPMENT AGENCY
MINUTES OF THE REGULAR MEETING**

**WESTMINSTER, CALIFORNIA
July 13, 2005**

The City Council of the City of Westminster, California convened on July 13, 2005 at 6:00 p.m. in a Regular Meeting in the Council Conference Room, 8200 Westminster Boulevard, Westminster, California.

**5:30 P.M.
CLOSED SESSION**

CALL TO ORDER:

ROLL CALL

PRESENT: RICE, PARIS, FRY, MARSH, QUACH
ABSENT: NONE

CLOSED SESSION:

The City Council/Redevelopment Agency recessed to a Closed Session for the following purposes:

- 1) Pursuant to Government Code Section 54957: Public Employee Performance Evaluation: City Manager; and
- 2) Conference with Legal Counsel pursuant to Government Code Section 54956.9(b): Anticipated Litigation (two potential cases); and
- 3) Conference with Real Property Negotiator pursuant to Government Code Section 54956.8: Property: 15300 Beach Boulevard and 15550 Beach Boulevard; Agency Negotiator: Executive Director Vangie Schock and Assistant Executive Director Don Anderson; Negotiating Party: David B. McHowell and Terence M. O'Shea; Under Negotiation: Price and Terms of Payment.

RECESS: At 6:50 p.m., Mayor/Agency Chair Rice recessed from the meeting held in the Council Conference Room.

7:00 P.M.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING: The City Council/Redevelopment Agency Meeting was reconvened at 7:00 p.m. in the Council Chambers.

ROLL CALL:

PRESENT: RICE, PARIS, FRY, MARSH, QUACH
ABSENT: NONE

SALUTE TO FLAG: City Attorney

INVOCATION: Council Member Fry

REPORT OUT OF CLOSED SESSION:

The City Attorney stated there was nothing to report out of the Closed Session.

SPECIAL PRESENTATIONS:

- A. The Mayor and Council Members presented a Certificate of Congratulations to Westminster resident, Jeremy Tran, for being a contestant on ABC's reality show, The Scholar. (115-00)
- B. A Certificate of Appreciation was to be presented to Todai Westminster for the Senior Appreciation Luncheon held at the Westminster Mall on June 15, 2005, however, no one was present to accept the certificate. (115-00)

1. CONSENT CALENDAR

APPROVAL OF MINUTES

- 1.1 (City Council/Redevelopment Agency) Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of June 22, 2005.**

ACTION: Approved.

ROUTINE MATTERS

- 1.2 (ITEM REMOVED AND HEARD SEPARATELY)
(City Council) Denial of Claim Against the City from:**

1. Daniel Alvin Ashworth in the amount of \$100,000.00

Council Member Marsh stated that the claim from Mr. Ashworth does not state whether or not the trees he refers to are on public or private property and because of that he suggested that the claim be denied.

Motion was made by Council Member Marsh, and seconded by Mayor Pro Tem Paris, to deny the claim submitted by Daniel Alvin Ashworth. The motion was carried by a 5-0 vote.

- 1.3 (City Council/Redevelopment Agency) Waive reading in full of all ordinances and resolutions under consideration, and approve and adopt same by reading title only.**

ACTION: Approved.

1.4 (City/Agency) Amendment to the agreement for property tax audit services with The Hinderliter, deLlamas & Associates, Coren & Cone (HdL) for the fiscal year 2005-2006 (502-08)

ACTION: The City Council/Agency Board approved an amendment to the agreement with HdL for property tax audit services in the amount of \$16,800.00 and authorized the Mayor/Chair to execute the amendment to the agreement on behalf of the City/Agency.

1.5 Notice of Completion with Coast Roof Company for the Removal/ Abatement and Replacement of Roof at Corporation Yard Office (502-03)

ACTION: The City Council accepted the subject project and authorized the City Clerk to file a Notice of Completion with the County Recorder's Office.

1.6 Amendment No. 2 to Contractual Services Agreement with W.G. Zimmerman Engineering, Inc., to provide temporary engineering services (502-26)

ACTION: The Mayor and City Council approved Amendment No. 2 to the contractual professional services agreement with W.G. Zimmerman Engineering, Inc., in an amount not to exceed \$60,000.00, extending the contract for a period not to exceed six months, and authorized the City Manager to execute the amendment on behalf of the City.

1.7 Purchase of Resilient Wedge Water Valves and Accessories for FY 2005-06 (106-00)

ACTION: The Mayor and City Council authorized a purchase order in the amount of \$15,833.59 for a renewable supply bid to C. Wells Pipeline Materials Company to purchase resilient wedge water valves and accessories, and rejected all other bids.

1.8 Purchase of Wet Barrel Hydrant Heads & Accessories for FY 2005-06 (106-00)

ACTION: The Mayor and City Council authorized a purchase order for a renewable Wet Barrel Hydrant Heads & Accessories bid to the low qualified bidder in the amount of \$95,671.22 to Hughes Supply, dba Marden Susco, and rejected all other bids.

1.9 Purchase of Vehicle Fuel for FY 2005-06 (106-00)

ACTION: The Mayor and City Council authorized a purchase order in the amount of \$345,000.00 for a renewable vehicle fuel supply bid to Petro-Diamond Inc., and rejected all other bids.

1.10 Renewal of Lease Agreement with the Boys and Girls Club of Westminster (502-02)

ACTION: The Mayor and City Council approved the renewal of the lease agreement with the Boys and Girls Club for the property located at 14400 Chestnut Avenue, and authorized the Mayor to execute the agreement on behalf of the City.

ORDINANCES (SECOND READING)/RESOLUTIONS**1.11 Resolution No. 3925 - A Resolution of the Mayor and City Council of the City of Westminster repealing Resolution No. 3756 which provided for the installation of disabled parking restrictions at 13772 Charleville Drive – T.C. 77-142/03-100 (608-02)**

ACTION: The Mayor and City Council adopted Resolution No. 3925 approving the removal of blue curb (special parking zone for handicapped individuals) on the east side of Charleville Drive, and waived further reading.

1.12 Resolution No. 3926 - A Resolution of the Mayor and City Council of the City of Westminster, California, declaring its Intention to Vacate Right-of-way Related to Tract Map No. 16669 (412-04)

ACTION: The Mayor and City Council adopted the subject resolution which sets a public hearing for July 27, 2005 for the said vacation of right-of-way pursuant to the provisions of Chapter 3, Section 8320 of the Streets and Highways Code of the State of California, and waived further reading.

(ITEM REMOVED AND HEARD SEPARATELY)**1.13 Resolution No. 3927 - A Resolution of the Mayor and City Council of the City of Westminster expressing the Mayor and City Council's support for Assembly Bill 1222 (Jones); Assembly Bill 888 (De La Torre); and Senate Bill 459 (Romero); which would enact locomotive and rail yard emissions reduction and mitigation programs; a remote sensing program; and call upon U.S. EPA to further limit locomotive emissions**

Council Member Marsh stated that he disagreed with the proposed resolution regarding locomotive emissions legislation, which he sees as a tax. He believes that this will impact light manufacturing in the state. He recommended that the Council not endorse SB 459, AB 1222 or AB 888. He also noted that the resolution makes no distinction between private freight rail and public rail. He said that he did not wish to stop the last remaining light manufacturing businesses in the state by going after private railroads.

Debra Reed from the South Coast Air Quality Management District, said that the fees are mitigation fees targeted to offset the impact of the effects of emissions, especially the impact on people who live near rail yards. And she said locomotives are underregulated as compared to other mobile sources of air pollution.

Council Member Fry asked why this action was done by imposing a tax rather than making a rule. Ms. Reed said that the AQMD did not have regulatory authority over railroad locomotives.

Motion was made by Council Member Marsh, and seconded by Mayor Pro Tem Paris, to reject staff's recommendation, and not take a position on this proposed legislation.

Darrell Nolta, resident of Westminster, stated that trains do pollute and he did not agree that it will affect light industrial businesses.

The motion was carried by a 5-0 vote.

1.14 Resolution No. 3928 – A Resolution of the Mayor and City Council of the City of Westminster fixing the employer's contribution under the Public Employees' Medical and Hospital Care Act. (110-07)

ACTION: The Mayor and City Council adopted Resolution No. 3928, and waived further reading

WARRANT REGISTER

1.15 (City Council/Redevelopment Agency) Warrant Register dated June 15 through 28, 2005. (105-09)

ACTION: Approved.

INFORMATION AND REPORTS

1.16 Minutes of the Planning Commission regular meeting held May 25, 2005 and study session meeting held June 8, 2005 (104-11)

ACTION: Received and filed.

1.17 (City/Agency) Treasurer's Report for May 2005 (105-08)

ACTION: Received and filed.

1.18 Minutes of the Traffic Commission regular meeting held June 7, 2005 (104-12)

ACTION: Received and filed.

Motion was made by Mayor Pro Tem/Agency Vice Chair Paris, and seconded by Council/Agency Member Quach, to approve the Consent Calendar, with the exception of Item Nos. 1.2 and 1.13, which were removed for separate consideration. The motion was carried by a 5-0 vote.

END OF CONSENT CALENDAR

2. ORAL COMMUNICATIONS

B. J. Savage, Chair of the 50th Anniversary Ad Hoc Committee, reported on their recently held Committee meeting. One of the proposals is to reestablish celebration of Founders Day and to establish a new committee that will keep that celebration going. Tri-City was incorporated in March, 1957, which included Midway City. In August, 1957, the citizens of Midway City voted to remove themselves from Tri-City and remain an unincorporated area of Orange County. Subsequently, the City of Westminster was incorporated on September 4, 1957. Therefore, the Anniversary Committee recommends that the Council schedule September 8, 2007 as the date for the 50th Anniversary Gala at the new Rose Center, using both the theater and the catering facility. They envision a black tie event to be used as a fundraiser for the Rose Center. The Committee also suggested other events like the Miss Westminster Pageant, for example. He said he will get together with the City Manager and arrange to have agenda items placed on future agendas for formal approval of the date of the Founders Day and the September 8, 2007 Gala Event; realizing that this will involve City money, staff and planning.

Darrell Nolte, resident of Westminster, spoke regarding the alleged incident about a non-profit agency who received CDBG funds and was accused of illegal activity in the newspaper.

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

3.1 The actions of the Planning Commission meeting held on July 6, 2005

The Community Development Director reviewed the actions of the Planning Commission meeting of July 6, 2005:

- 1) 16320 Jupiter Circle (Administrative Adjustment, Case No. 2005-23) to allow a reduced rear setback for a second-story addition to a single family residence.
- 2) 14072 Goldenwest Street (Tentative Parcel Map, Site Plan and Design Review, Case No. 2005-27) to construct three new condominiums on a 9,525 square foot lot.

Mayor Pro Tem Paris asked to review Item No. 2, Case No. 2005-27, located at 14072 Goldenwest Street, three new condominiums.

Discussion ensued regarding the project at 16320 Jupiter Circle, a second story addition to a single family house. Mayor Rice brought up the fact of the aging sewer system in the City and whether it can tolerate the remodeling trend that is going on. Council Member Marsh asked that Item No. 1 be called up for Council review, but he stated that the applicant will have until the deadline of July 22, to agree with a stipulation to an additional condition to get approval from Midway City Sanitary District, then he can withdraw his request for review.

4. PUBLIC HEARINGS**4.1 Weed Abatement Cost Report – Fall, 2004 – Spring, 2005 (618-01)**

Mayor Rice asked if staff received any written or verbal communication regarding the weed abatement report, to which the City Manager responded that no communications were received.

MAYOR RICE OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN FAVOR OR IN OPPOSITION TO THE ITEM. SEEING THERE WERE NO OTHER PERSONS WISHING TO SPEAK, MAYOR RICE CLOSED THE PUBLIC HEARING.

Council Member Marsh asked if the railroad company was contacted regarding the weed situation. The Public Works Director/City Engineer stated that the railroad reimburses the City for the clean up costs each year.

Motion was made by Council Member Fry, and seconded by Mayor Pro Tem Paris, to:

- 1) Receive and confirm the cost report;
- 2) Adopt Resolution No. 3929 entitled, "A Resolution of the Mayor and City Council of the City of Westminster confirming report of cost of weed abatement, Fall 2004 and Spring, 2005 on lots within the City of Westminster", and waive further reading; and
- 3) Authorize the City Clerk to submit the report to the County Assessor and County Tax Collector.

The motion was carried by the following vote:

AYES: RICE, PARIS, FRY, MARSH, QUACH
NOES: NONE
ABSENT: NONE

4.2 Amendment to the City's One-Year Action Plan for Fiscal Year 2005-2009 (109-00/502-01)

Time set for a public hearing to consider an amendment to the City's One Year Action Plan for FY 2005-09.

The Public Works Director/City Engineer explained that at the time All American Asphalt was awarded a street improvement project, 13th Street was excluded due to the sewer work being done. Now that the sewer work is completed staff is requesting that 13th Street be included with the improvements to 12th, 15th, and 16th Streets, as long as the contractor agrees to the same unit price, which he is willing to do.

MAYOR RICE OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN FAVOR OR IN OPPOSITION TO THE ITEM. SEEING THERE WERE NO OTHER PERSONS WISHING TO SPEAK, MAYOR RICE CLOSED THE PUBLIC HEARING.

Motion was made by Council Member Quach, and seconded by Council Member Marsh, to:

- 1) Approve an amendment to the City's One Year Action Plan for FY 2005-09 to add 13th Street Improvements to the 12th, 15th, and 16th Street Improvement project, utilizing the remaining balance in the previously approved CDBG funds to pay for the costs of the improvements on 13th Street; and
- 2) Approve Amendment No. 1 to the agreement with All American Asphalt for the improvements on 13th Street between Beach Boulevard and Cedarwood Street in an amount not to exceed \$221,122.09, and authorized the City Manager to execute the amendment on behalf of the City.

The motion was carried by a 5-0 vote.

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

Council Member Quach stated he is on the Orange County District Attorney's Advisory Commission and they discussed DUIs (Driving Under the Influence) laws and fines, which he shared with the public.

Mayor Pro Tem Paris announced that the Boys and Girls Club will hold their annual Golf Tournament and Banquet at the Seacliff Country Club in Huntington Beach on August 8, 2005.

Council Member Fry said that the West Nile virus season is here and people should be sure they don't have any standing water which can attract mosquitoes. Any dead birds can be reported to the Vector Control. Regarding the Prado Dam, it is due to be finished by the end of next year, completing the flood control system.

Council Member Marsh announced that he opened his new law office in Newport Beach, so he will be giving the City the new telephone information to place on the City website.

Mayor Rice reported that so far \$63,000 was collected from the Mayor's Ball and more money is coming in.

5.2 Consideration of including an insertion in the City's water bill updating residents on Orange County Transportation Authority's (OCTA's) progress on the proposed I-405 expansion project. (Mayor Rice) (613-09)

Council Member Marsh said that the letter to be inserted still needs some corrections made to it.

Mayor Rice asked if the Council would approve it after the corrections are made.

Motion was made by Council Member Fry, and seconded by Council Member Quach, to authorize an insert in the City's water bill updating resident on the OCTA's progress on the I-405 expansion project after the letter is amended. The motion was carried by a 5-0 vote.

Darrell Nolta, resident of Westminster, pointed out that tenants in apartments do not receive a water bill.

Motion was made by Council Member Marsh, and seconded by Council Member Quach, to send out a separate notice to apartment dwellers who live within 250 feet of the 405 Freeway. The motion was carried by a 5-0 vote.

5.3 Westminster Municipal Code Chapter 17.60 – Home Businesses (deferred from the June 8, 2005 meeting) (Mayor Rice) (202-01)

RECOMMENDATION: Staff recommends that the City Council:

- 1) Amendment to Chapter 17.60 of the Westminster Municipal Code – Home Businesses by: clarifying those uses listed in Tables A and B; deleting all references to the Home Business Committee; and requiring all applicants requesting approval of a Level Two businesses to submit a Conditional Use Permit application for consideration by the Planning Commission at a noticed public hearing.
- 2) Direct staff to return with an appropriate Ordinance to reflect the directed changes.

The Community Development Director stated that this chapter of the code deals with Home businesses which are not prohibited, but don't fit in the Table B, Administrative Approval category.

Council Member Fry commented on the Home Business Committee, that it is completely composed of staff.

Mayor Rice said she liked the proposal because the decisions of the Planning Director and the Home Business Committee may be appealed to the Planning Commission, and any appeals may be appealed to the City Council. The Mayor said she thought the Council should be advised any time a home business is approved even if it is not appealed.

Council Member Marsh listed his concerns: In Table A, all alcohol-related businesses should be included; prohibit livestock breeding; possibly place a restriction on gambling (if the City Attorney agrees); in Table B, the reference to day care states a maximum of 8 children, staff needs to check and make sure the maximum is not 6 children.

Council Member Marsh stated he wanted to make sure the code is not used as a weapon against home schooling. He wants a specific exclusion stated in the document pointing out that this does not apply to home schooling. He said he understands that staff and the City Attorney need some time to amend the document.

Motion was made by Council Member Fry, and seconded by Council Member Quach, to defer this item to the meeting of July 27, 2005. The motion was carried by a 5-0 vote.

5.4 Consideration of request regarding economic development and the use of eminent domain (Mayor Pro Tem Paris) (613-09)

Mayor Pro Tem Paris said he received a letter from Vivian Kirkpatrick-Pilger with the following suggestions responding to the Supreme Court's recent action on eminent domain:

- 1) Authorize a draft letter addressed to the Supreme Court of the United States (SCOTUS) be added to the City's web site (along with other draft letters regarding the I-405 expansion), in protest to the decision they made with regard to the use of eminent domain;
- 2) Authorize that SCOTUS names and address be posted on WTV-3 along with the City's website address, indicating a draft letter to SCOTUS exists on the City's website;
- 3) That the Mayor and City Council declare and make known via Resolution their intent in any use of eminent domain, clearly indicating that eminent domain will not be used for economic development; and
- 4) The Mayor and City Council write a letter in support of "H.R. 3135, the "Private Property Rights Protection Act of 2005" authored by F. James Sensenbrenner, Jr., Chairman of the U. S. House of Representatives Committee on the Judiciary to be sent to all legislative representatives from California, urging them to support this bill.

Vivian Kirkpatrick-Pilger asked if a resolution was binding on the City. Council Member Marsh explained that a resolution is not binding, only an ordinance is binding.

Council Member Marsh suggested that Item 1 in Mrs. Pilger's letter be amended to read, "....use for economic development **or for the transfer from one private owner to another private owner with government functioning as an intermediary.**"

Mrs. Pilger agreed that this addition was appropriate. She requested that the amended draft letter be placed on the City's website.

Council Member Marsh stated he supports Congressman Sensenbrenner's proposed legislation, HR 3135, and suggested that the City's website could provide a link to the website he has set up.

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Paris, to approve the four items requested by Vivian Kirkpatrick-Pilger with an amendment to the draft letter and the proposed resolution which will read:

- "3) That the Mayor and City Council declare and make known via Resolution their intent in any use of eminent domain, clearly indicating that eminent domain will not be used for economic development **or for the transfer from one private owner to another private owner with government functioning as an intermediary**; and"

And further, that the draft letter and a link to Congressman Sensenbrenner's website will be placed on the City's website.

Darrell Nolta, resident of Westminster, stated that eminent domain is one of the issues which stopped the Centerline project. He said he supports the proposed motion.

Council Member Marsh said he did not want to say there is never a place for eminent domain, however, he is saying that the circumstances under which it is appropriate are limited in nature, and it is wrong when eminent domain has been applied and has gone beyond its intended purpose by government agencies, for the purpose of enhancing government revenue by transferring property from one citizen to another.

The motion was carried by a 5-0 vote.

5.5 Review of City's procedure relative to appointment of Chair and Vice Chair to City Boards, Committees and Commissions. (Mayor Rice) (104-00)

Mayor Rice said that it has been brought to her attention that the election of Chairpersons and Vice-Chairpersons needs to be the same for all committees and commissions. She read the procedure for elections from page 12 of the Commission and Committee Handbook and suggested that it be adopted.

Council Member Marsh noted that the Planning Commission is different from the other commissions and committees as it is governed by the Government Code.

As far as the other commissions and committees, they should elect their own Chair and Vice-Chair.

Council Member Quach said he thought they should rotate the Chairperson every year, rather than every two years.

Council Member Marsh said there is one commission (the Personnel Commission) that only meets when needed, therefore, he suggested that they should make it their first order of business to elect a Chairperson and Vice-Chairperson, at their first meeting. Also, he said there should be a mechanism where whoever is elected Chair is willing to serve.

Council Member Marsh requested redline changes of the pages of the Handbook; the City Clerk said she could do that.

Motion was made by Council Member Fry, and seconded by Mayor Pro Tem Paris, to defer any changes to the Commission and Committee Handbook until the meeting of July 27, 2005.

Mayor Rice said she agreed to defer discussion of the Handbook, but she needed a decision on the election of officers.

Council Member Marsh suggested that as far as election of officers, all those commissions and committee provided for in the Municipal Code that are not controlled by the Government Code will be determined by the Municipal Code; and that ad hoc committees Chairs will be determined by the Council Member who creates the committee.

The Council agreed to make the term of the Chair and Vice-Chair one year.

The motion was carried by a 5-0 vote.

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 (City/Agency) Special Counsel for Municipal and Redevelopment Legal Services (502-02)

The Community Development Director stated that it has been six years since the City's contract with Best Best & Krieger has been increased. Stephen Deitsch from the firm is available for questions.

Council/Agency Member Marsh said he did not want to pay the rate of \$215 an hour for attorneys with less than two years experience or pay the extra expense of travel time from Riverside to Orange County. Mr. Deitsch said he agreed to the terms regarding experienced attorneys. He suggested that the drive time be limited to a one-hour round trip equivalent. Council/Agency Member Marsh agreed. There were no objections.

Motion was made by Council/Agency Member Quach, and seconded by Mayor Pro Tem/Agency Vice-Chair Paris, to approve the amended agreement with Best Best & Krieger to provide legal services to the City and Agency, and authorize the City Manager/Executive Director to execute the agreement on behalf of the City and Agency. The motion was carried by a 5-0 vote.

6.2 Decorative pedestrian lighting along Bolsa Avenue (605-01)

Motion was made by Council Member Fry, and seconded by Council Member Marsh, to appropriate \$37,417.55 from the Municipal Lighting District Fund No. 59500 to fund the installation of an additional eight decorative pedestrian lights along the north side of Bolsa from Bushard to Ward. The motion was carried by a 5-0 vote.

6.3 Selection of date and time for study session meetings

Motion was made by Mayor Pro Tem Paris, and seconded by Council Member Fry, to schedule a goals and objectives Council/Agency meeting at 9:30 a.m., on July 22, 2005 in the Council Conference Room; and to schedule a study session to review the Westminster Rose Center Financial report on July 25, 2005 in the Council Chambers. The motion was carried by a 5-0 vote.

Council Member Marsh asked when the financial report on the Rose Center would be delivered to Council. The City Manager said that should be delivered on July 18th.

Council Member Marsh said he could be late to the July 22nd meeting.

7. WRITTEN COMMUNICATIONS (Public)

7.1 Request from Abrazar for conveyance of City-owned property at 7101 Wyoming Street (502-01)

The Community Development Director said that Abrazar is requesting that the City grant the property to them at 7101 Wyoming Street. He said that the City Attorney's office gave an opinion that if a public benefit can be demonstrated and quantified in length of term and services to be provided, that it would be an acceptable conveyance and would not be considered a gift of public funds. However, there are three options suggested.

RECOMMENDATION: Staff recommends that the Mayor and City Council direct staff to implement one of the following options:

- 1) Continue leasing the property to Abrazar;
- 2) Enter into a long term multi-year lease agreement;

- 3) Convey ownership of the property to Abrazar with an agreement to be considered by the Mayor and City Council at a later date, which would specify the terms of conveyance.

Mayor Rice asked what was the value of the property. The Community Development Director said the "as is" market value is \$535,000 with the buildings, but if the buildings were removed, the value would be \$835,000, because of potential for development.

Council Member Marsh noted that no one has a copy of the lease and no one recorded the lease at the County Recorders Office. In the future he requested that all lease provisions include insurance that protects the City, names the City as additional insured, meets minimum requirements, and provides a copy of the insurance policy. He would also like a use reference to show it is being used for charitable or good uses. If the property is conveyed, he would like Council to consider a fee simple conditional or reversionary interest available.

Gloria Reyes from Abrazar, stated that the reason for the request for conveyance is because they own the adjacent property, they plan on building a childcare center in the future and it would be more difficult to build if it was on a lease.

Council Member Marsh said he needs to know if it is a ground lease or a lease of the land and structures. Ms. Reyes said It was a land lease, but the building belongs to Abrazar. Council Member Marsh said he could not act on this item until the lease is produced. For the record Council Member Marsh asked Ms. Reyes, if the Council goes with a conveyance of the property, would she have a problem with a condition with a reversionary interest or remaindermans right or fee simple conditional allowing that property to come back to the City, if Abrazar tried to transfer it. Gloria Reyes said that would be no problem.

Motion was made by Council Member Quach, and seconded by Council Member Marsh, to defer this item to the July 27, 2005 Council meeting or until proper documentation can be produced by Abrazar or staff. The motion was carried by a 5-0 vote.

8. LEGISLATIVE ITEMS

8.1 Amendments and Adoption of the 2004 Edition of the California Electrical Code (210-04)

Motion was made by Council Member Quach, and seconded by Mayor Pro Tem Paris, to:

- 1) Adopt Resolution No. 3930 entitled, "A Resolution of the Mayor and City Council of the City of Westminster setting forth findings based on local conditions which make certain modifications to the California Electrical Code reasonably necessary", and waiver further reading;

- 2) Introduce Ordinance No. 2387 entitled, "An Ordinance of the Mayor and City Council of the City of Westminster amending Title 15 by deleting Chapter 15.12 of the Westminster Municipal Code to repeal previous editions of the Electrical Code and to replace with a new Chapter 15.12 adopting and amending the 2004 Edition of the California Electrical Code", and waive further reading; and
- 3) Schedule a public hearing and adoption of Ordinance No. 2387 for July 27, 2005 at 7:00 p.m.

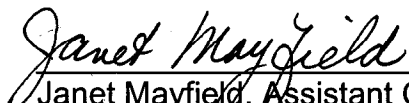
This procedure is in accordance with California Government Code Title 5, Division 1, Part 1 as published by the Building Standards Bulletin 99-01.

The motion was carried by the following vote:

AYES: RICE, PARIS, FRY, MARSH, QUACH
NOES: NONE
ABSENT: NONE

9. COMMISSION AND COMMITTEE ITEMS - None

10. **COUNCIL/AGENCY ADJOURNMENT:** At 9:30 p.m., Mayor/Agency Chair Rice adjourned the meeting in memory of Julie Loring, former employee at Johnson Middle School, to Friday, July 22, 2005 at 9:30 a.m. in the Council Conference Room for the purpose of discussing goals and objectives.



Janet Mayfield, Assistant City Clerk/
Acting Agency Secretary